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Filed 10/11/2000
Attorney docket no. BEA9-2000-0005-US1

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REMARKS

Claim rejections under 35 USC 103

Claims 1-30 have been rejected under 35 USC 103(a) as being unpatentable over Wilson (6,718,347) in view of Bradley (6,769,021), and further in view of Latif (6,400,730). Applicant respectfully traverses this rejection, as to which the claimed invention has been amended, as is now discussed in detail. Applicant treats claim 1 as representative of the claimed invention in this respect.

What Applicant believes the Examiner is saying

Applicant again concentrates on Wilson in overcoming the rejections made under 35 USC 103.¹ Applicant wishes to concentrate on one aspect of Wilson in particular, as relied upon by the Examiner, so that it can be understood the way Applicant is interpreting the Examiner's rejection. The Examiner has stated that Wilson discloses "means for communicating directly between the first and second hosts using the storage-area network protocol" in column 11, lines 15-47, and in column 14, lines 12-39. Applicant is trying to understand what the Examiner considers the first host and the second host in these excerpts of Wilson.

Both of these excerpts of Wilson have to do with how the storage controllers communicate directly with one another over the storage-area network. The first excerpt is in relation to FIG. 6, and the second excerpt is in relation to FIG. 7. In both of these figures, the

¹ The Examiner has relied upon Wilson in teaching a certain aspect of the claimed invention, and therefore Applicant thus primarily discusses Wilson in explaining why Wilson in view of Latif does not render the amended claimed invention non-patentable. Stated another way, Applicant discusses Wilson here because Wilson is relied upon as showing those aspects of the claimed invention that Applicant believes are not actually in the prior art. Applicant understands that the claimed invention has been rejected under 35 USC 103(a) as to Wilson in view of two other

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storage controller 302a communicates with the storage controller 302b over the storage-area network 304. Therefore, Applicant believes that the Examiner is considering the storage controller 302a as the "first host" and the storage controller 302b as the "second host" (or vice-versa) in interpreting Wilson. Applicant very respectfully requests that the Examiner indicate to Applicant's representative, Michael Dryja, if this is not how he is interpreting Wilson. That is, to completely understand the Examiner's argument, it is very important for Applicant to understand what the Examiner considers as the first and second hosts in Wilson.

If you interpret Wilson this way, then Applicant can see how the Examiner believes that the claimed invention (prior to the amendment made herein) reads upon Wilson in combination with the other references. In particular, the storage controllers 302a and 302b, as the first and the second hosts, can communicate with one another directly over the storage-area network 304. Therefore, Applicant has amended the claimed invention to clarify what the subject invention is, so that the claimed invention cannot be considered as reading upon the claimed invention.

Amendments made to the claimed invention to avoid the prior art

Here is what Applicant has done. The claimed invention has been amended so that the storage-area network includes "a plurality of storage devices," where these storage devices are *exclusive* of the first and the second hosts. That is, there is a storage-area network, and it includes the storage devices – but these storage devices *do not include/encompass* the first and the second hosts. Applicant has used the term "exclusive" to mean that the storage devices do not include or encompass the first and second hosts, but if the Examiner believes that a better term would more accurately convey what is intended herein, he is very much encouraged to contact Applicant's representative, Michael Dryja, at the phone number listed below with an alternate terminology.

references, and it should be kept in mind at all times that Applicant is indeed traversing an obviousness-type rejection, and not, for instance, an anticipation rejection.

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FIG. 3 of the patent application as filed shows support for these amendments to the claims. The storage-area network 17 includes the storage devices 16. These storage devices 16, however, are “exclusive of” (i.e., do not include or encompass) the hosts 14 and 15.

Thus, what the claimed invention “is” is the utilization of a storage-area network to allow for hosts – apart from the storage devices that are inherently part of the storage-area network – to communicate with one another. Applicant again asks the Examiner to consider the comparison of FIG. 2 of the patent application as filed with FIG. 3 of the patent application as filed. In FIG. 2, which shows the prior art, the host devices 8 and 9 communicate with one another over the network 10. They do not communicate with one another over the storage-area network 11. By comparison, in FIG. 3, which shows an embodiment of the invention, the host devices 8 and 9 communicate with one another over the storage-area network 17. There is no additional network.

Why the claimed invention (as amended) avoids the prior art

Going back to FIGs. 6 and 7 of Wilson, the claimed invention as recited no longer allows the storage controllers 302a and 302b to be interpreted as the “host devices” of the claimed invention. Therefore, the only host devices in Wilson are now the devices 100a and 100b. However, the devices 100a and 100b do not communicate with one another over the storage-area network 304. Rather, as has been discussed in detail in the previous office action response,² the devices 100a and 100b in Wilson communicate with one another over the network 114. In this

² See, for instance, pages 10-16 of the previously filed office action response. It is noted in that response, that Applicant presumed that the Examiner was construing Wilson’s two “hosts” as the hosts 100a and 100b. Applicant now understands that the Examiner appears to be construing Wilson’s two “hosts” as the storage controllers 302a and 302b. Thus, the point of the amendments made to the claims herein is to limit the claimed invention so that there is no way you can consider the storage controllers 302a and 302b as the two host devices of the claimed invention. Assuming that the amendments are successful in this regard, then, the previously filed office action response’s detailing as to why the hosts 100a and 100b in Wilson do not communicate over a storage-area network is now proper reasoning as to why Wilson in

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respect, Wilson recites a setup that is nearly identical to the prior art discussed in relation to FIG. 2 of the patent application as filed. As such, Applicant believes that Wilson, in combination with other references, does not teach the claimed invention.

That is, what Applicant is going for here is a way to limit the claimed invention so that host devices – and not the storage devices of a storage-area network – are able to directly communicate with one another over the storage-area network. Applicant believes that, by particularly reciting that the host devices are not the storage devices of the storage-area network, this goal has been satisfied. **However, Applicant is very much amenable to suggestions by the Examiner to further clarify the claimed invention so that it avoids Wilson in combination with the other cited references. Therefore, insofar as the Examiner believes that other limitations would further assist him in allowing the present patent application, he is encouraged to contact Applicant's representative, Michael Dryja, with such suggestions.**

combination with the other cited references does not render the claimed invention (as amended) unpatentable.

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Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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